

REMARKS

Claims 1-38 were pending in the present application. By virtue of this response, claims 1, 3-4, 6-7, 9-10, 12, 15, 29, 33-36, and 38 have been amended. Accordingly, claims 1-38 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Objections to the Claims

The Examiner has objected to claims 3, 4, 9, 10, 15, 35 and 36. Claims 3, 4, 9, 10, 15, 35 and 36 have been amended to clarify that these claims refer to the same related micropayments accounting system recited in the parent claims. Accordingly, Applicants request withdrawal of the Examiner's objection.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 6, 7, 12, 29, 33, 34 and 38 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Although Applicants traverse the Examiner's rejection, claims 1, 6, 7, 12, 29, 33, 34 and 38 have been amended such that the Examiner's rejections are now moot. Accordingly, Applicants request withdrawal of the Examiner's rejections under § 112, second paragraph.

Rejections under 35 U.S.C. § 102(e)

Claims 1-38 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Shore (2003/014966 A1). The Examiner states, in part:

As best understood, Shore discloses a computer implemented method and system for reverse-control of a wireless mobile device (700) embodied in a computer readable medium to perform the steps of:

providing a vendor/product device () with a computer platform (via point of purchase/sale terminal 710) coupled to a wireless transmission channel port (box [0085]); and transmitting from the vendor device (710) via the wireless transmission channel port (via short range data transmission) to a compatible wireless transmission channel port on a wireless mobile device (box [0109]), a program to take control of the wireless mobile device's menuing, interaction and display functions (box [0104]).

Applicants respectfully traverse the Examiner's rejection. As a preliminary matter, Applicants note that the published patent application no. 2003/0149662 A1 to Shore claims priority to three provisional applications filed Feb. 10, 2000, Mar. 8, 2000, and December 15, 2000. The present application claims priority to provisional patent application no. 60/199,488, filed April 25, 2000. Without an analysis of the disclosures of the various provisional applications from which the Shore application claims priority, Applicants cannot determine whether the Shore publication has been properly cited by the Examiner as a § 102(e) reference. Nevertheless, since the Shore publication fails to teach all of the claimed limitations, as will be discussed in greater detail below, an anticipation rejection based on that reference is inappropriate. Withdrawal of the rejection is requested. Applicants do not concede, however, that the Shore publication is valid prior art to the present application.

The portions of Shore cited by the Examiner fail to disclose at least "transmitting from the vendor device via the wireless transmission channel port to a compatible wireless transmission channel port on the wireless mobile device a program to take control of the wireless mobile device's menuing, interaction and display functions" (emphasis added), as recited in claim 1. Box [0104] cited by the Examiner states:

[0104] Infrared software drivers would control the functioning of the infrared hardware interfaces. The infrared software driver program feature of the invention would apply equally to all types of hardware systems and operating systems without departing from the spirit of the invention. Infrared software drivers would allow communication between the infrared hardware interface of the PDA with the personal computer's CPU and/or with the host Server System.

This fails to teach or suggest “transmitting from the vendor device via the wireless transmission channel port to a compatible wireless transmission channel port on the wireless mobile device a program to take control of the wireless mobile device’s menuing, interaction and display functions”.

Shore describes the installation of the software to be installed on the customer’s PDA as follows:

[0117] The PDA Pay and eTicket/mewallet™ System PDA software would be installed in the customer's PDA. In one exemplary scenario, it would be pre-installed by an authorized retail outlet, issuing bank, Credit Card Company or clearinghouse. It could also be installed by the customer from their personal computer. This software would cause the PDA to store an encrypted, secure, unique code 129f that would be carried within every communication between the PDA and any other device. This software would further cause the PDA to securely store many types of data 129g-129f, including, for example, all bank account data 129k, securities account data, credit card account data 129l, eTickets 129h, user ID, PIN's 129a and other pertinent financial 129c and personal data 129g.

(Emphasis added.) This fails to teach or suggest transmitting from the vendor device to the wireless mobile device a program to take control of the wireless mobile device’s menuing, interaction and display functions.

The Shore reference cited by the Examiner fails to teach or suggest the claimed method. Accordingly, the Examiner’s rejection of claim 1 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 1 and claims 2-5, which depend from claim 1.

Claim 6 recites, in part: “transmitting from the vendor device via the wireless transmission channel port to a compatible wireless transmission channel port on a the wireless mobile device, a program to take control of the wireless mobile device’s menuing, interaction and display functions”.

As described above with respect to claim 1, the Shore reference cited by the Examiner fails to teach or suggest the claimed system. Accordingly, the Examiner's rejection of claim 6 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 6.

Claim 7 recites, in part: "a logic mechanism coupled to computer whereby the vendor device can transmit via the wireless transmission channel port to a compatible wireless transmission channel port on the wireless mobile device, a program to take control of the wireless mobile device's menuing, interaction and display functions". As described above with respect to claim 1, the Shore reference cited by the Examiner fails to teach or suggest the claimed system. Accordingly, the Examiner's rejection of claim 7 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 7 and claims 8-11, which depend from claim 7.

Claim 12 recites, in part: "means for permitting the vendor device to transmit via the wireless transmission channel port to a compatible wireless transmission channel port on the wireless mobile device, a means for taking control of the wireless mobile device's menuing, interaction and display functions". As described above with respect to claim 1, the Shore reference cited by the Examiner fails to teach or suggest the claimed system. Accordingly, the Examiner's rejection of claim 12 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 12.

Claim 13 recites, in part: "a second code mechanism coupled to the first code mechanism for transmitting a third code mechanism to the wireless mobile device, wherein the third code mechanism takes control of the wireless mobile device's menuing, interaction and display functions". As described above with respect to claim 1, the Shore reference cited by the Examiner fails to teach or suggest the claimed computer program. Accordingly, the Examiner's rejection of claim 13 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 12 and claims 13-15 which depend from claim 12.

Claim 16 recites, in part: “the microprocessor in the product device taking electronic control of the wireless mobile device whereby the product device can send data to and receive data from the wireless mobile device”. The Examiner’s citations to the Shore reference fail to teach or suggest the microprocessor in the product device taking electronic control of the wireless mobile device, as recited in claim 16. Accordingly, the Examiner’s rejection of claim 16 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 16 and claims 17-27 which depend from claim 16.

Claim 28 recites, in part: “a product device containing a means for recognizing a presence of at least one wireless mobile device, and for taking electronic control of the wireless mobile device whereby the product device can send data to and receive data from the wireless mobile device”. As described above with respect to claim 16, the Shore reference cited by the Examiner fails to teach or suggest taking electronic control of the wireless mobile device, as recited in claim 28. Accordingly, the Examiner’s rejection of claim 28 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 28.

Claim 29 recites, in part: “transmitting from the vendor device via the wireless transmission channel port to a compatible wireless transmission channel port on the wireless mobile device a program to take control of the wireless mobile device’s menuing, interaction and display functions, whereby data can be interchanged between the vendor device and the wireless mobile device”. As described above with respect to claim 1, the Shore reference cited by the Examiner fails to teach or suggest the claimed method. Accordingly, the Examiner’s rejection of claim 29 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 29 and claims 30-32, which depend from claim 29.

Claim 33 recites, in part: “a mechanism in the vendor device coupled to the wireless transmission channel port enabled to recognize the electronic presence of the wireless mobile device, whereby the mechanism can cause the transmission of a program to take control of the wireless mobile device’s menuing, interaction and display functions”. As described above with respect to claim 1, the Shore reference cited by the Examiner fails to teach or suggest the claimed

method. Accordingly, the Examiner's rejection of claim 33 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 33.

Claim 34 recites, in part: "a logic mechanism coupled to computer whereby the vendor device can transmit via the wireless transmission channel port to a compatible wireless transmission channel port on the wireless mobile device, a program to take control of the wireless mobile device's menuing, interaction and display functions". As described above with respect to claim 1, the Shore reference cited by the Examiner fails to teach or suggest the claimed system. Accordingly, the Examiner's rejection of claim 34 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 34 and claims 35-37, which depend from claim 34.

Claim 38 recites, in part: "a means for taking control of the wireless mobile device's menuing, interaction and display functions". As described above with respect to claim 1, the Shore reference cited by the Examiner fails to teach or suggest the claimed system. Accordingly, the Examiner's rejection of claim 38 under § 102(e) is unsupported by the cited reference. Therefore, Applicants respectfully request withdrawal of the rejection of claim 38.

Drawings

The Applicants acknowledge acceptance of the drawings as submitted on April 23, 2001.

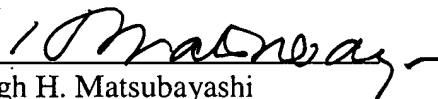
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 426882000300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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